



AF/2700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named
Inventor : David D. Koester et al.

Appln. No.: 09/751,669

Filed : December 29, 2000

For : MACHINING ACTUATOR PERIPHERY
TO REDUCE RESONANCE VARIATION

Docket No.: S01.12-0697

Group Art Unit: 2652

Examiner: Tianjie Chen

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Technology Center 2600

REQUEST FOR CONSIDERATION OF RULE 1.132 DECLARATION
AFTER APPEAL

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I HEREBY CERTIFY THAT THIS PAPER IS
BEING SENT BY U.S. MAIL, FIRST CLASS,
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1450, THIS

24 DAY OF June, 2003.

D. D. B.
PATENT ATTORNEY

Sir:

Applicants respectfully request consideration of the enclosed Declaration of David D. Koester under Rule 1.132 after a notice of appeal has been filed.

This Declaration is intended not to present new issues for consideration, but to introduce as evidence facts that were previously presented as attorney argument in Applicants' prior amendment.

With the first amendment, Applicants amended claim 13, for example, to replace process steps with positive structural limitations. This amendment introduced the term "machined external peripheral surface" to the claims.

In the next Office Action, the Examiner asserted that the new structural limitations were process limitations.

Applicants' attorney responded with an explanation as to how the phrase "machined external peripheral surface" should be interpreted as a structural limitation since a machined surface can be readily distinguished by an inspection of the surface.

The Rule 1.132 Declaration is intended to transform these earlier-presented attorney arguments into evidence. The Declaration is rather short, and is not believed to raise any new issues that have not already been considered. For these reasons, Applicants respectfully request entry of the Declaration such that it can be considered by the Board with the appeal brief.

WESTMAN, CHAMPLIN & KELLY, P.A.

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